

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DONNIE D. WHITE,
No. B31317

Plaintiff,

vs.

SHARON HANSEN, et al.,

Defendants.

Case No. 14-cv-00841-MJR

MEMORANDUM AND ORDER

REAGAN, Chief District Judge:

Plaintiff Donnie D. White, recently paroled from the Illinois Department of Corrections, (“IDOC”) brings this action for deprivations of his constitutional rights pursuant to 42 U.S.C. § 1983, based on that occurred while he was in prison. The initial blunderbuss complaint (Doc. 1) was dismissed without prejudice, and general guidance was offered for filing a viable amended complaint (Doc. 4). Plaintiff’s amended complaint (Doc. 5) was also dismissed, predominantly because of severance issues (Doc. 7). Plaintiff was given until April 3, 2015, to file an amended pleading (Doc. 7). He was warned that failure to file an amended complaint by the prescribed deadline could result in the dismissal of this action with prejudice, ending the case (Doc. 7).

Plaintiff has not filed an amended complaint and the deadline for doing so has passed. It appears that Plaintiff has abandoned this action. Because the amended complaint was not unintelligible or completely frivolous, the Court will exercise its discretion and not assess a strike under the provisions of 28 U.S.C. § 1915(g). *See Paul v. Marberry*, 658 F.3d 702 (7th Cir. 2011) (in order to assess a strike when an action is dismissed pursuant to Fed.R.Civ.P. 41(b),

regardless of whether dismissal is with or without prejudice, the criteria for a strike under Section 1915(g) must be satisfied).

IT IS THEREFORE ORDERED that pursuant to Federal Rule of Civil Procedure 41(b), this action is **DISMISSED with prejudice** for failure to comply with a court order and failure to prosecute this action. No strike will be assessed under the provisions of 28 U.S.C. § 1915(g). Judgment shall enter accordingly and this case will be closed.

IT IS FURTHER ORDERED that Plaintiff remains obligated to pay the filing fee. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998).

IT IS SO ORDERED.

DATED: April 28, 2015

s/ Michael J. Reagan

MICHAEL J. REAGAN
CHIEF JUDGE
UNITED STATES DISTRICT COURT